

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EVGENY RYZHOV,

Plaintiff,

-against-

KONSTANTIN MALOFEYEV, et al.,

Defendants.

23-CV-1072 (JMF)

ORDER OF DISMISSAL

JESSE M. FURMAN, United States District Judge:

By order dated March 17, 2023, the Court directed Plaintiff, within thirty days, to submit an amended IPF application or pay the \$402.00 in fees required to file a civil action in this court. *See* ECF No. 9. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff — despite filing an amended complaint, *see* ECF No. 11 — has not filed an amended IPF application or paid the fees. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915. If Plaintiff intends to proceed, he can move to reopen within 60 days upon payment of the filing fee.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 20, 2023
New York, New York



JESSE M. FURMAN
United States District Judge